

Appendices: 0



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **15<sup>th</sup> September 2014**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Amendment to Constitution – Scheme of Delegations</b>
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### **1. Purpose**

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- 1.1 The Constitution is a living document and requires amendment and review on an ongoing basis. The purpose of this report is to recommend that Full Council agree an amendment to the Council's Constitution to amend the Scheme of Delegations to strengthen governance and streamline processes.

### **2. Recommendations**

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- 2.1 It is recommended that Full Council approve the amendment to the Constitution detailed in paragraph 3.1.10.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Constitution is a living document and needs to be reviewed from time to time to reflect best practice and to improve Governance and operational efficiency.
- 3.1.2 The Scheme of Delegations in Part 8 of the Constitution empowers officers to exercise powers on behalf of the Council.
- 3.1.3 The Chief Executive has specific delegated powers contained in the Constitution, Part 8, Part B, paragraph 1. (These are in addition to the general powers delegated to the Chief Executive, all Directors and the Borough Secretary in Part 8, Part A).
- 3.1.4 Paragraph 1.2.9 states that the Chief Executive shall exercise the following power:

*“To act on behalf of the Council in respect of matters of urgency where the delay is likely to seriously prejudice the interests of the Council or the public after consultation with Group Leaders in relation to such proposed action”.*

- 3.1.5 This delegated power enables the Chief Executive to respond quickly, by making decisions in situations where any delay would seriously prejudice the interests of the Council or the public.
- 3.1.6 While this power is properly only used in exceptional circumstances in situations of genuine urgency, it is a broad power that can be exercised by an officer in relation to both executive and non-executive functions. Therefore, it is important that there is an adequate check and balance on the exercise of this delegated decision making power.
- 3.1.7 Currently, this power as drafted may only be exercised by the Chief Executive after consultation with all Group Leaders in relation to the proposed action. It would strengthen Governance processes and be more efficient for the consultation to be with The Leader of the Council, the Leader of the main opposition and the Chair of Overview and Scrutiny Committee. This is because the Chair of Overview and Scrutiny is almost always consulted on associated issues in relation to the use of the above powers.
- 3.1.8 Consultation by the Chief Executive with the Leader of the Council, the Leader of the Main Opposition Group and the Chair of the Overview and Scrutiny Committee will provide an adequate check and balance on the exercise of the officer delegated power.
- 3.1.9 It is therefore recommended that Full Council agree to amend the Constitution so that Part 8, Part B, Paragraph 1.2.9 is amended to state that the Chief Executive shall be able to exercise the following power:

***“to act on behalf of the Council in respect of matters of urgency where the delay is likely to seriously prejudice the interests of the Council or the public after consultation with the Leader of the Council, the Leader of the Main Opposition Group and the Chair of the Overview and Scrutiny Committee in relation to such proposed action”***

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 None.

##### **4.2 Resources and Risk**

4.2.1 None.

##### **4.3 Legal**

4.3.1 Contained within the body of the report

#### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

#### **4.5 Other Implications**

4.5.1 None.

#### **5. Background Papers**

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5.1 None

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